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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 CHARLES LEE DAMON CLARK,)

8 Plaintiff,)

9 v.)

10 RODRIGO ESPINO,)

11 Defendants.)
12 _____)

3:15-cv-00527-RCJ-VPC

ORDER

13
14 **I. DISCUSSION**

15 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state
16 prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 6).
17 Based on the financial information provided, the Court finds that Plaintiff is unable to prepay
18 the full filing fee in this matter.

19 The Court entered a screening order on the Plaintiff's amended complaint on March 31,
20 2016. (ECF No. 10). In the screening order, the Court granted Plaintiff thirty days to file an
21 amended complaint, if he so chose. (*Id.* at 7:21-23). On April 13, 2016, Plaintiff filed a
22 response to the Court's screening order informing the Court of his intention to not file an
23 amended complaint. (ECF No. 12 at 1). The Court subsequently issued an order imposing
24 a 90-day stay to allow Plaintiff and defendants an opportunity to settle their dispute before the
25 \$350.00 filing fee was paid. (ECF No. 13 at 2:15-27).

26 The Court also issued a further order in which the parties were assigned to mediation
27 by a court-appointed mediator. (ECF No. 15). The Office of the Attorney General has filed
28 a status report indicating that settlement has not been reached and informing the Court of its
intent to proceed with this action. (ECF No. 19).

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that:

3 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 6) is GRANTED.
4 Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this
5 action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

6 2. The movant herein is permitted to maintain this action to conclusion without the
7 necessity of prepayment of any additional fees or costs or the giving of security therefor. This
8 order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or
9 service of subpoenas at government expense.

10 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
11 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
12 month's deposits to Plaintiff's account (**Charles Lee Damon Clark, #66731**), in the months
13 that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action.
14 The Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's
15 Office. The Clerk of the Court shall also **SEND** a copy of this order to the attention of the
16 Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson
17 City, NV 89702.

18 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
19 of Plaintiff's complaint (ECF No. 11) on the Office of the Attorney General of the State of
20 Nevada, attention Kat Howe.

21 5. Subject to the findings of the screening order (ECF No. 10), within **twenty-one**
22 **(21) days** of the date of entry of this order, the Attorney General's Office shall file a notice
23 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts
24 service; (b) the names of the defendants for whom it does not accept service, and (c) the
25 names of the defendants for whom it is filing last-known-address information under seal. As
26 to any of the named defendants for which the Attorney General's Office cannot accept service,
27 the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known
28 address(es) of those defendant(s) for whom it has such information. If the last known address

1 of the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain
2 and provide the last known physical address(es).

3 6. If service cannot be accepted for any of the named defendant(s), Plaintiff shall
4 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
5 specifying a full name and address for the defendant(s). For the defendant(s) as to which the
6 Attorney General has not provided last-known-address information, Plaintiff shall provide the
7 full name and address for the defendant(s).

8 7. If the Attorney General accepts service of process for any named defendant(s),
9 such defendant(s) shall file and serve an answer or other response to the complaint within
10 **sixty (60) days** from the date of this order.

11 8. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been
12 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document
13 submitted for consideration by the Court. Plaintiff shall include with the original paper
14 submitted for filing a certificate stating the date that a true and correct copy of the document
15 was mailed to the defendants or counsel for the defendants. If counsel has entered a notice
16 of appearance, Plaintiff shall direct service to the individual attorney named in the notice of
17 appearance, at the address stated therein. The Court may disregard any paper received by
18 a district judge or magistrate judge which has not been filed with the Clerk, and any paper
19 received by a district judge, magistrate judge, or the Clerk which fails to include a certificate
20 showing proper service.

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22 DATED: This 21st day of July, 2016.

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25 United States Magistrate Judge
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